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AUG 31 2009

OFFICE OF PETITIONS

In re Application of  
Hugh M. HERR  
Application No. 10/613,499  
Filed: July 03, 2003  
Attorney Docket No. H-18

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-compliant notice mailed, December 26, 2007, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 27, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment (2) the petition fee of \$810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-compliant notice of June 17, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 3774 for appropriate action on the concurrently filed amendment.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions